



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,326	11/16/2000	Janin Pascal	00-GR-241	4342
23334	7590	09/24/2004	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			IQBAL, NADEEM	
		ART UNIT		PAPER NUMBER
		2114		8
DATE MAILED: 09/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/714,326	PASCAL, JANIN	
	Examiner Nadeem Iqbal	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-4,7-9,12-18,21-23,25-31,34-36 and 39-47 is/are rejected.
- 7) Claim(s) 5,6,10,11,19,20,24,32,33,37 and 38 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

Response to Amendment

This office action is in response to an amendment filed on July 7, 2004. Rejections for claims 1-4,7-9,12-18,21-23,25-31,34-36 and 39-42 are applied for the same reasons as set forth in the previous office action paper number 6, mailed on April 7, 2004. Applicant is advised to refer the previous office action for detailed rejection of these claims.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 43 –47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al., (U.S. Patent number 6587963).

3. As per claim 43, Bates et al., teaches (col. 2, lines 43-45) a method of executing a portion of a multithreaded program and monitoring threads that are executing within a selected monitored region in the program while the portion of program is executing. He thus teaches limitations pertain to a method of monitoring the activation of programmed sequences of a programmed system that comprises N programmed sequences, N being an integer greater than 1. He also teaches (col. 3, lines 44-46) that a user can specify one or more sections of one or more computer programs for which thread activity is to be monitored. He thus teaches the ability to monitor the execution of the second by the first programmed sequence. He does not explicitly disclose that each of the programmed sequences is monitored by at least one other programmed sequence. He also teaches (col. 2, lines 66, 17) that the threads to be monitored may be filtered, such as by specifying

threads to be included or excluded. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to realize that He provides the ability for each of the programmed sequences to be monitored by at least one other programmed sequence. This is because he teaches monitoring threads that are executing within a selected monitored region and that a user can specify one or more sections of one or more computer programs for which thread activity is to be monitored. He thus provides the ability for each of the programmed sequences to be monitored by at least one other programmed sequence.

4. As per claims 44 & 45, He teaches (col. 3, lines 44-46) that a user can specify one or more sections of one or more computer programs for which thread activity is to be monitored. He also teaches (col. 2, lines 66, 17) that the threads to be monitored may be filtered, such as by specifying threads to be included or excluded. He thus teaches the ability to monitor each programmed sequence by each of the other programmed sequences.

5. As per claims 46 & 47, He teaches (col. 3, lines 44-46) that a user can specify one or more sections of one or more computer programs for which thread activity is to be monitored. He also teaches (col. 2, lines 66, 17) that the threads to be monitored may be filtered, such as by specifying threads to be included or excluded. He thus teaches the ability to monitor each programmed sequence by each of the other programmed sequences.

Response to Arguments

1. Applicant's arguments filed July 7, 2004 have been fully considered but they are not persuasive. Applicant alleges that Bates teaches that the threads execute concurrently, and is not the same as claimed where a program sequence is executed iteratively. The dictionary definition of word "iterative" is "a computational procedure to produce a desired result by replication of a series of operations that successively approximates the desired result". Clearly, the claims do not indicate any computational procedure being performed to produce a desired result by replication of a series of operations. Claims appear to be directed towards a monitoring procedure, which comprises at least a first and a second programmed sequences, where first programmed sequence is made to monitor the execution of a second programmed sequence and second programmed sequence is made to monitor the first programmed sequence, but without any approximation of any desired result is claimed. As such, the method of Bates method of executing a portion of a multithreaded program and monitoring threads that are executing within a selected monitored region in the program while the portion of program is executing and his further teachings that a user can specify one or more sections of one or more computer programs for which thread activity is to be monitored. He thus teaches the ability to monitor the execution of the second programmed sequence by the first programmed sequence. He also teaches that the threads to be monitored may be filtered, such as by specifying threads to be included or excluded. He therefore provides the ability for each of the programmed sequences to be monitored by at least one other programmed sequence.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadeem Iqbal whose telephone number is (703)-308-5228. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703)-305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nadeem Iqbal
Primary Examiner
Art Unit 2114

NI